EUROJUST
Overview, Background, Structure and Work

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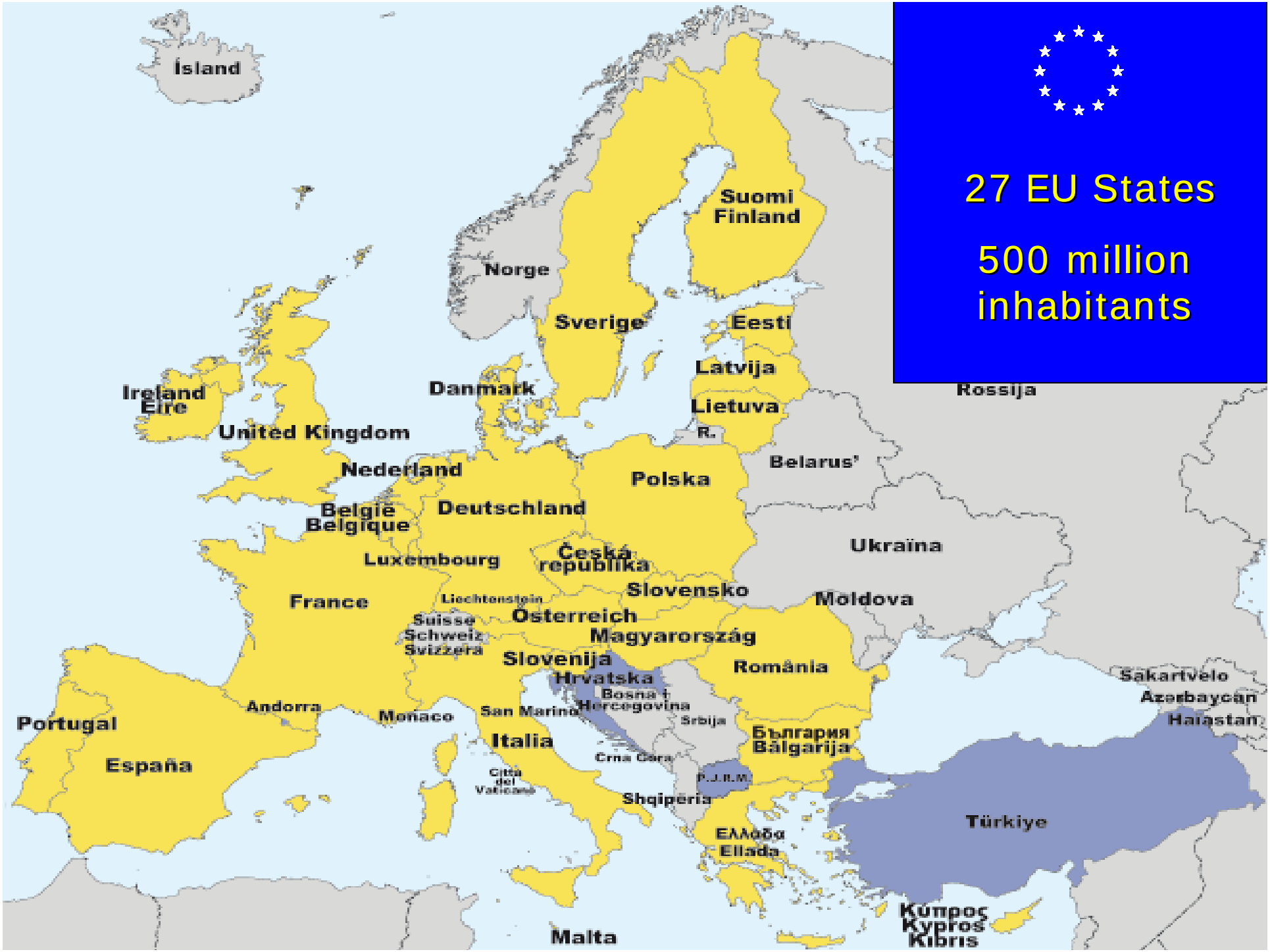
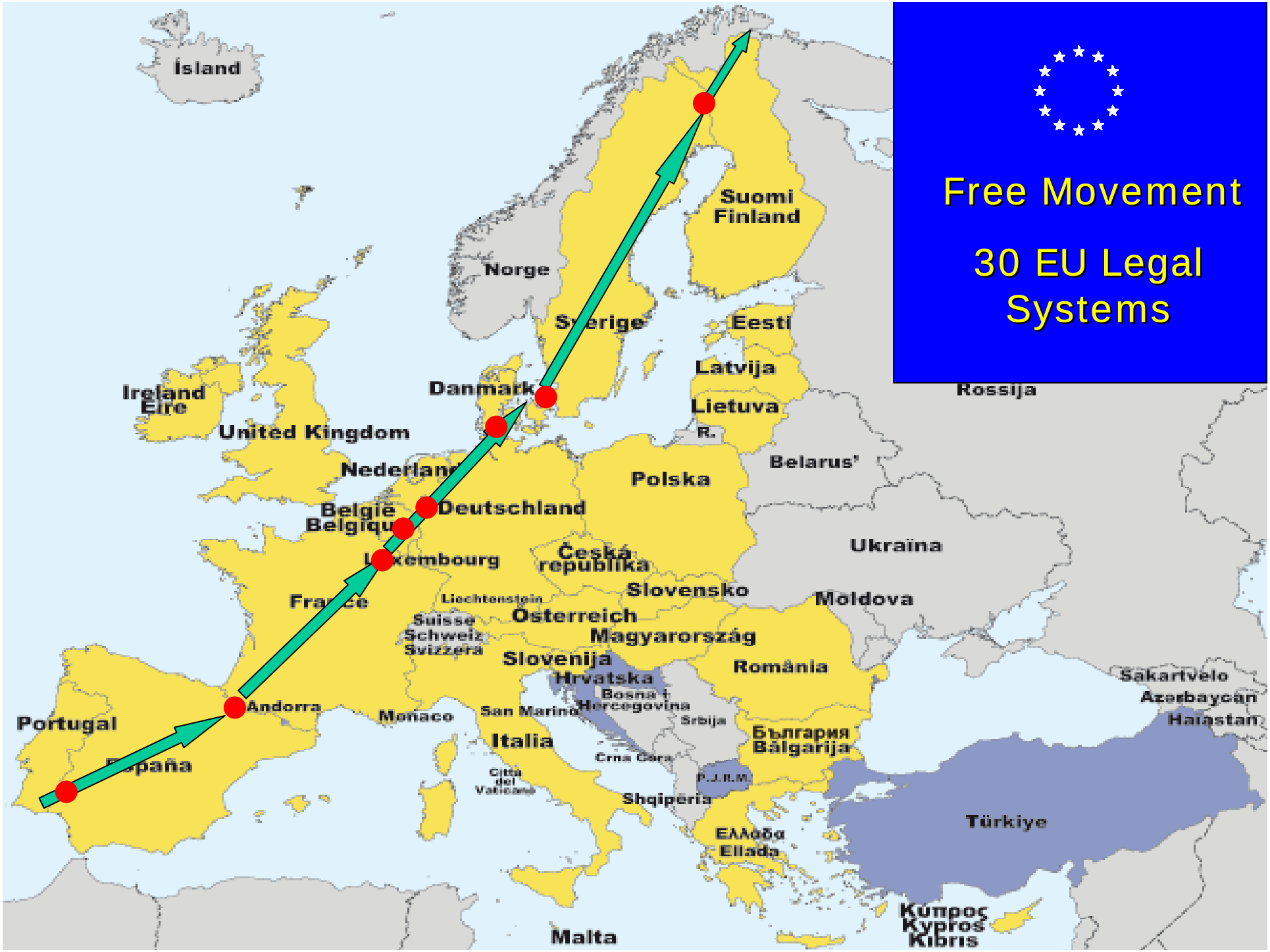
National Member for Slovenia
Belgrade
27-29 September 2009

The Arc building, ICC and Eurojust


27 EU States
500 million inhabitants
Ísland
Suomi Finland
Norge
Sverige
Eesti
Latvija
Lietuva
Rossija
Ireland Eire
Danmark
United Kingdom
R.
Belarus'
Nederland
Polska
België Belgique
Deutschland
Ukraïna
Luxembourg
Česká republika
Slovensko
Moldova
France
Liechtenstein
Österreich
Suisse Schweiz Svizzera
Magyarország
Slovenija
România
Hrvatska
Sakartvelo
Bosna i Hercegovina
Andorra
Azerbaycan
Portugal
Monaco
San Marino
Srbija
Hayastan
Italia
България Bălgarija
España
Crna Gora
Città del Vaticano
F.J.R.M.
Shqipëria
Türkiye
Ελλάδα Ellada
Κύπρος Kypros Kıbrıs
Malta


Free Movement
30 EU Legal Systems
Ísland
Suomi Finland
Norge
Sverige
Eesti
Latvija
Lietuva
Rossija
Ireland Eire
United Kingdom
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R.
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Hayastan
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Ellada
Malta
Türkiye
Κύπρος
Kıbrıs

Why Eurojust?

- Free movement
- Relaxation of frontier controls
- Increased mobility of EU citizens
- Cheap travel
- Growth of the internet
- Cross-border nature of organised crime
- 30 different legal systems
- Existing Mutual Legal Assistance
- Extradition & European Arrest Warrant

History

Tampere Special European Council,

15-16 October 1999

The European Council held a special meeting dedicated to the creation of an area of freedom, security and justice in the European Union by concentrating on establishing an immigration and asylum policy more uniform and based on solidarity and on the re-enforcement of the fight against trans-border crime by consolidating co-operation among authorities.

Council Conclusion 46

To reinforce the fight against serious organised crime, the European Council has agreed that a unit (EUROJUST) should be set up composed of national prosecutors, magistrates, or police officers of equivalent competence, detached from each Member State according to its legal system ...

- Set-up Provisional Judicial Cooperation unit 14 Dec 2000 “Pro-Eurojust”

Starting up:

- Swedish Presidency – 1 March 2001
  - “Pro-Eurojust ” was working in the Council building in Brussels
- Belgian Presidency – 1 July 2001
  - 11 September attacks USA

- Spanish Presidency – 1 January 2002
  - EJ Decision - published 28 February
  - Rules of Procedure - agreed June 2002
  - Budget 2002 - released in May
- Building the new unit
  - The team
  - Relationships
  - Caseload and coordination meetings

➔ Moving to The Hague, 29 April 2003

Eurojust & Accession

- Preparing for 2004 = Building Links
  - Nomination of Contact Points
  - Primary Link System

- 1 May 2004
  10 new National Members at Eurojust
- 1 January 2007
  BG, RO

New Decision on Eurojust

Press Meeting July 2008, Brussels

The New Eurojust Decision - Objectives

- Enhance operational capabilities of Eurojust
- Strengthen and increase the powers of Eurojust
- Increase the exchange of information
- Facilitate and strengthen cooperation between national authorities and Eurojust/EJN contact points
- Strengthen and establish relationships with partners and third States

What is Eurojust ?

- A unit of EU prosecutors, judges or police officers of equivalent competence
- A body of the European Union with legal personality
- Financed from the general budget of the European Union
- *‘to deal more effectively with serious cross border crime, particularly when it is organised, and involves two or more Member States’*

Competences

- terrorism
- drug trafficking
- trafficking in human beings
- illegal immigrant smuggling
- trafficking in nuclear and radioactive substances
- vehicle crime
- counterfeiting and forgery
- money laundering
- computer crime
- fraud, corruption and financial crime
- environmental crime
- participation in a criminal organisation
- other serious forms of international crime
- other offences committed with any of the above

Objectives

Investigations and prosecutions related to serious, cross border, organised crime, involving two or more Member States:

- To improve judicial co-operation between the Member States
- To stimulate and improve the co-ordination of investigations and prosecutions
- To support competent authorities in Member States when dealing with serious cross-border cases

Tasks (Art. 6a, 7a)

- investigate or prosecute specific acts
- accept that one Member State is better placed to investigate or prosecute specific acts
- coordinate with one another
- set up a Joint Investigation Team (JIT)
- *take special investigative measures*
- provide Eurojust with any information necessary to carry out its tasks

Exchange of information: a Key issue

- A crucial tool for judicial cooperation through Eurojust
- Exchange between national authorities through the National Members
- The basis to set up coordination and to exercise Eurojust powers
- The need for organised cooperation against organised crime

Data protection

- 25% of the Eurojust Decision are dedicated to Data Protection
- Case Management System (CMS)
- Data Protection Officer
- Data Protection Rules
- Joint Supervisory Body (JSB) of Eurojust

The College

Plenary Meeting College of Eurojust

27 + 2

OPERATIONAL MEETINGS

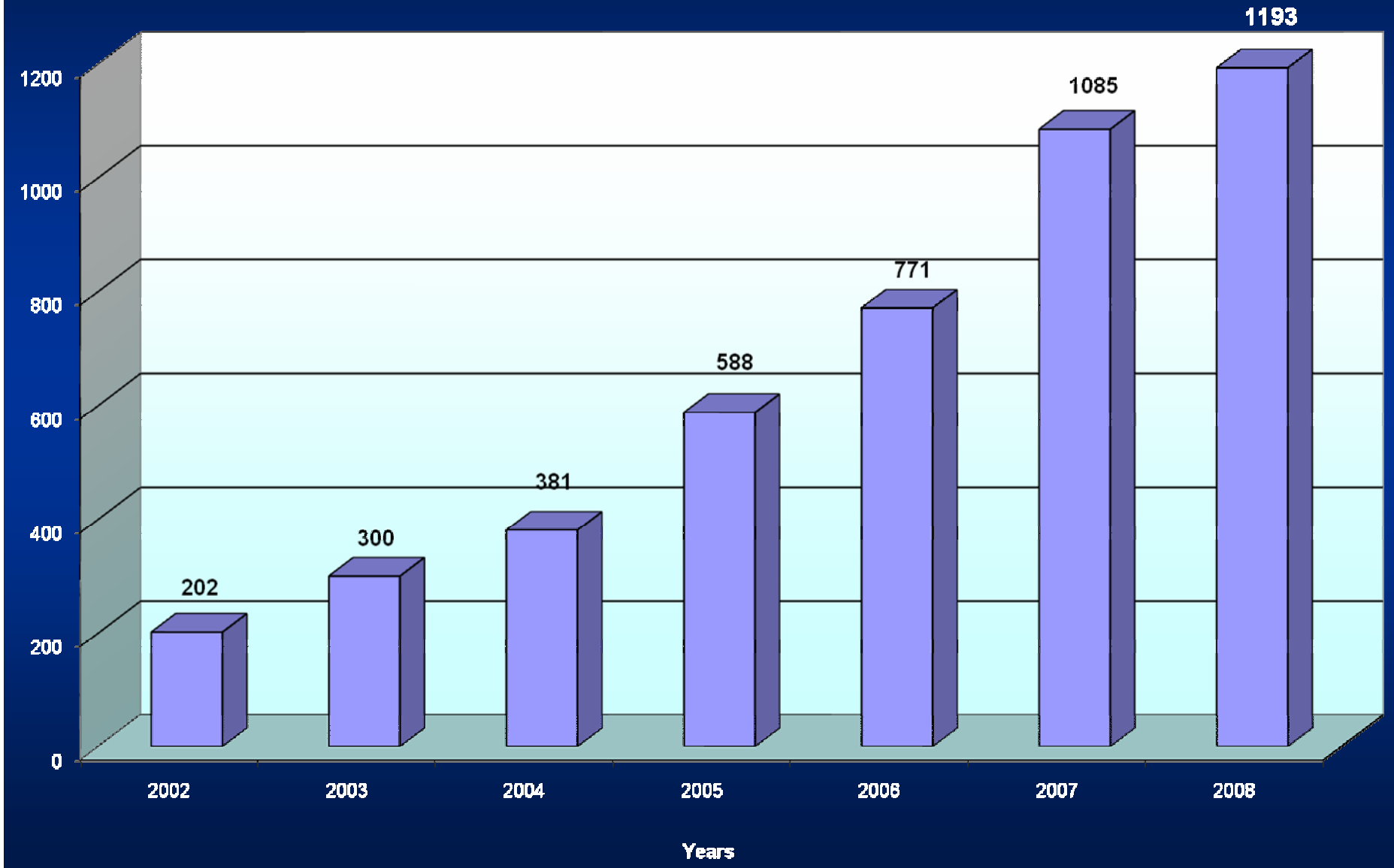
Coordination (Level III) meeting

FR, EE, DE, AT, BE, Europol

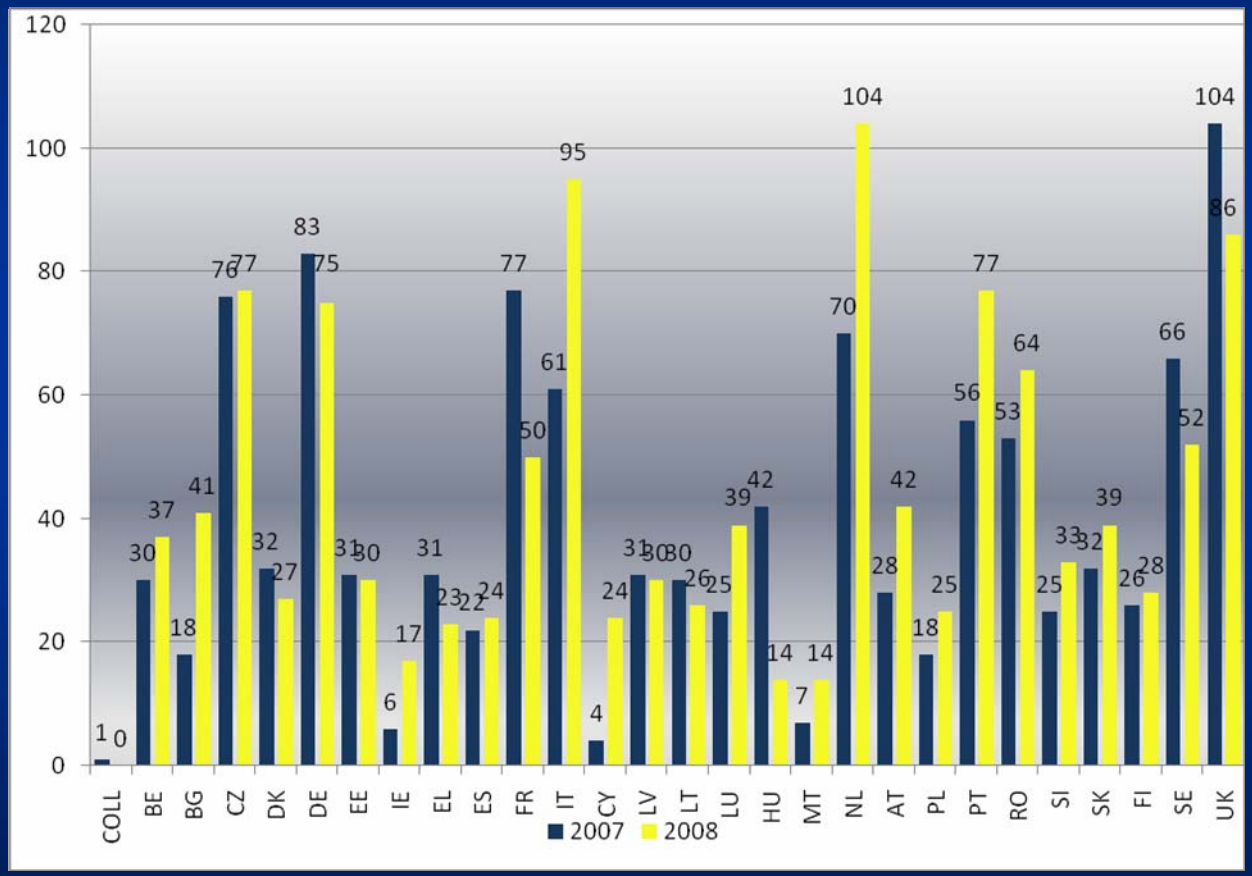
Coordination meetings

using videoconference

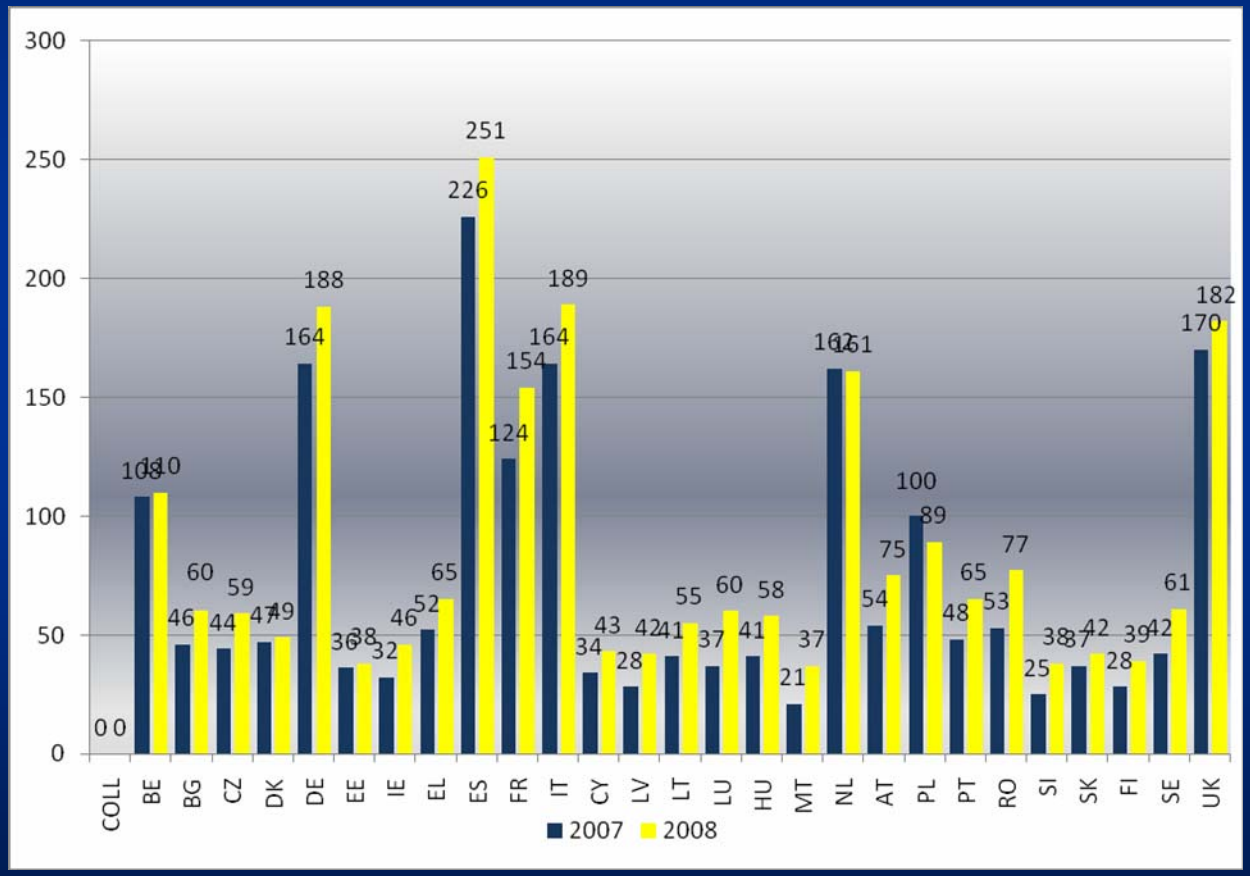
Workload Eurojust Cases



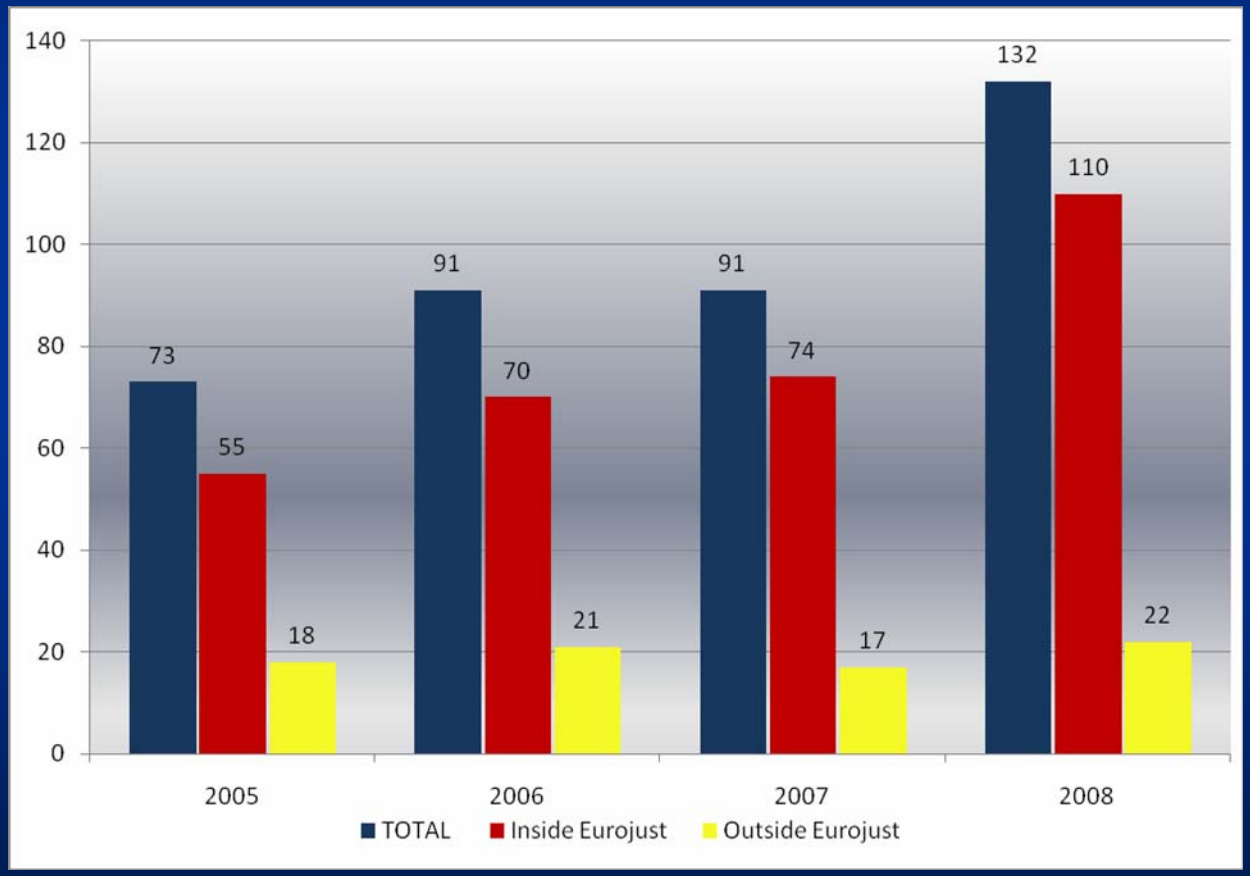
Requesting countries 2007-2008



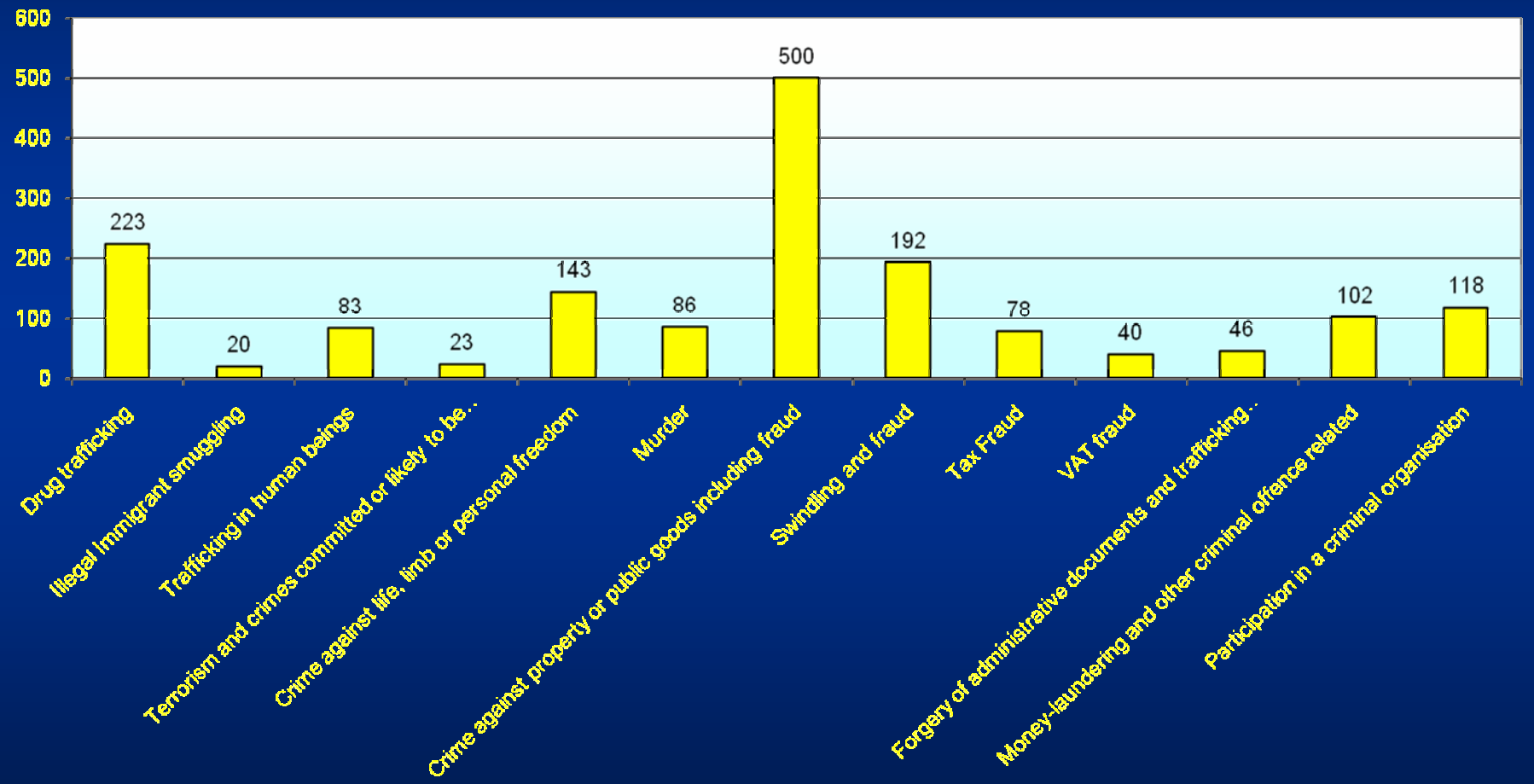
Requested countries 2007-2008



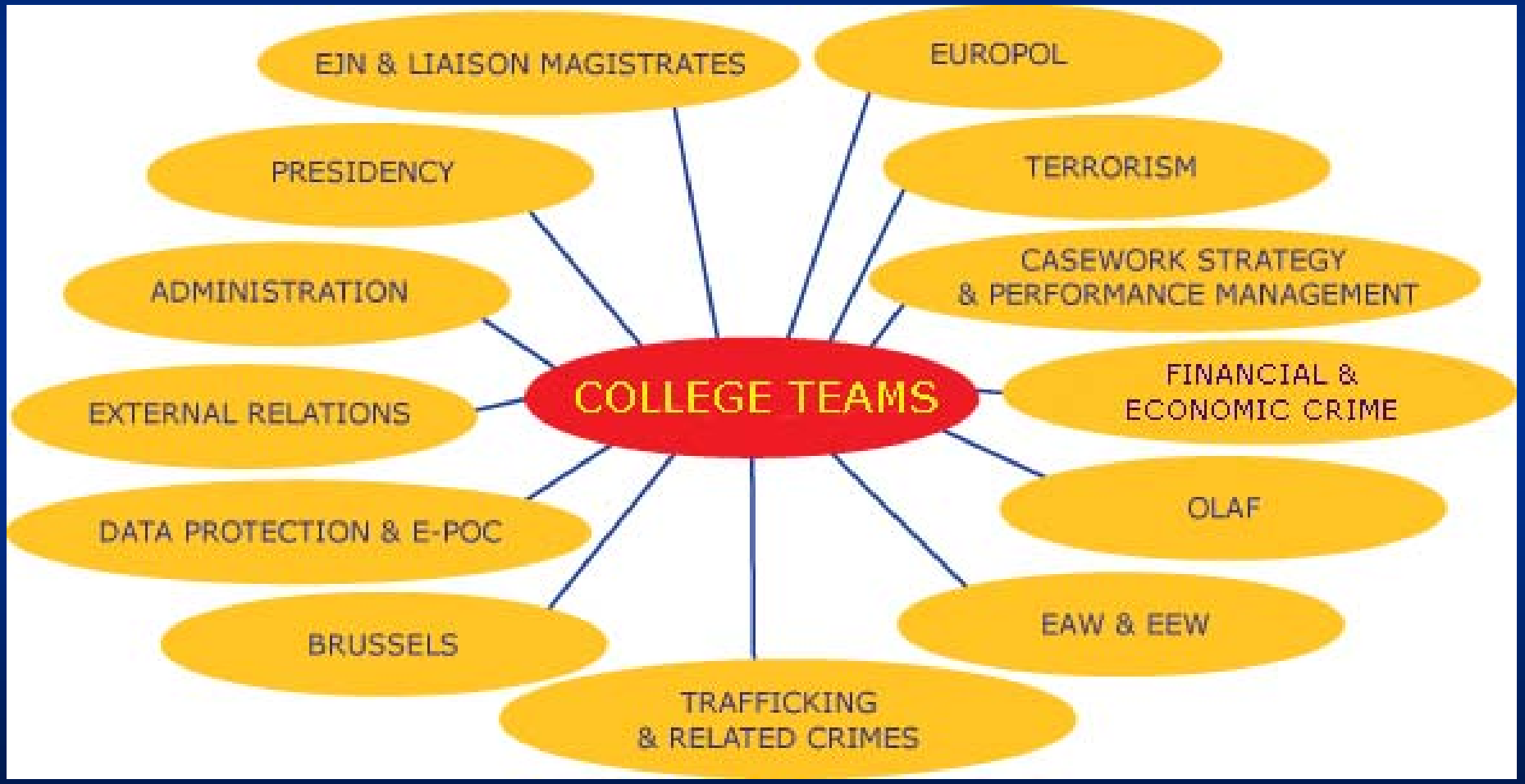
Coordination meetings



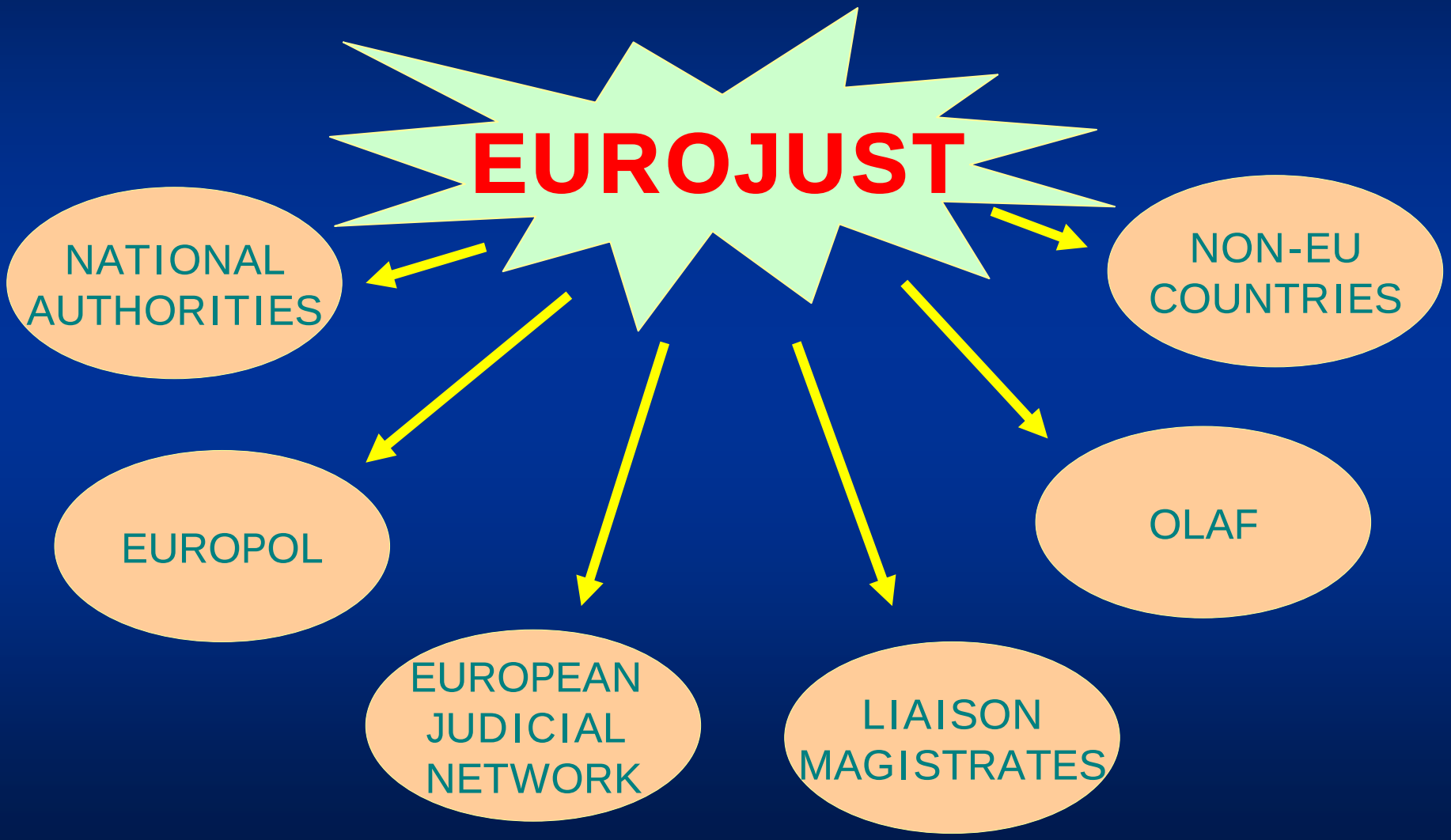
Main crime types 2008



College Teams



Partners


EUROJUST
NATIONAL AUTHORITIES
NON-EU COUNTRIES
EUROPOL
OLAF
EUROPEAN JUDICIAL NETWORK
LIAISON MAGISTRATES

External Relations Team

- Team works to develop relations between Eurojust and Third States both in and out of Europe

Activities

- Cooperation agreements
- Contact points
- Seminars and meetings
- Study visits

Eurojust & Third Countries

- Art. 3(2) of the Eurojust Decision:
  - "In accordance with the rules laid down by this Decision and at the request of a Member State's competent authority, Eurojust may also assist investigations and prosecutions concerning only that Member State and a non-Member State where an agreement establishing co-operation pursuant to Article 27(3) has been concluded with the said State or where in a specific case there is an essential interest in providing such assistance".

Co-operation agreements

- Plans for entering into negotiations approved by the College
- Agreed draft agreement approved by the College
- Opinion of JSB
- Approval by the Council

Co-operation agreements
Amended Eurojust Decision

- Information to the Council of any plans for entering into negotiations
- The Council may draw any conclusions it deems appropriate

Co-operation agreements
Amended Eurojust Decision

- Secondment of Eurojust liaison magistrate to a third State (Article 27a)

Co-operation agreements
Amended Eurojust Decision

- Requests for judicial cooperation to and from third States (Article 27b)
- With the agreement of the MS concerned Eurojust may coordinate the execution of requests for judicial cooperation issued by a third State (requests part of the same investigation, execution in at least 2 MS)
- In case of urgency OCC may receive and process a request from third State if a cooperation agreement has been concluded
- Facilitation of judicial cooperation with a third State (MS requests related to the same investigation to be executed in a third State; with the agreement of MS)
- Condition – requests may be transmitted through Eurojust if it is in conformity with the instruments applicable to the relationship between the third State and EU or MS

Co-operation agreements
State of play

Priorities follow these criteria:

- A country has specific significance in designated criminal fields (terrorism, trafficking in human beings, drugs, etc.).
- The country must uphold the rule of law and human rights.
- The EU has several cross-border cases with a specific country.

Co-operation agreements

- Existing agreements with:
  - Norway (Liaison Prosecutor)
  - Iceland
  - USA (Liaison Prosecutor)
  - Croatia
  - Switzerland
  - The former Yugoslav Republic of Macedonia

Memorandum of Understanding

- Memorandum of understanding
  - IBERRED (concluded)
  - UNODC

Eurojust Third State Contact Points

- Albania
- Argentina
- Bosnia & Herzegovina
- Canada
- Croatia
- fYROM
- Iceland
- Israel
- Japan
- Liechtenstein
- Moldova
- Mongolia
- Montenegro
- Norway (LP)
- Russian Federation
- Serbia
- Singapore
- Switzerland
- Thailand
- Turkey
- Ukraine
- USA (LP)

Cases Opened in 2008 Involving Third States

	2006	2007	2008	Coordination meetings in 2008
USA			27	10
Switzerland			26	10
Norway			22	7
Turkey			7	1
Morocco			6	0
Albania			6	1
Australia			6	5
Ukraine			4	0
Croatia			4	2
Moldova			4	0
Russian Federation			4	0
fYROM			3	1
Serbia			3	0

	2006	2007	2008	Coordination meetings in 2008
Canada			3	1
Colombia			3	0
Liechtenstein			2	1
Venezuela			2	0
South Africa			2	0
Monaco			1	0
Montenegro			1	0
Mongolia			1	0
Uruguay			1	0
Algeria			1	0
United Arab Emirates			1	0
TOTAL			140	39

Examples of Cases managed by Eurojust

1. The “Eckert” Case

Positive Conflicts of Jurisdiction

National Member for Germany

The Case

- Ongoing investigations in Spain, Germany and France in a series of cruel murders by a truck driver for a period of more than 20 years.
- It is possible that other countries such as Italy, Poland and Czech Republic are involved.
- Due to the Spanish investigations, the suspect was arrested in Germany to enforce an EAW issued by Spain. In Germany, the suspect confessed to a possible 19 murders of prostitutes all over Europe.


Reykjavik
ÍSLAND
SVERIGE
SUOMI
FINLAND
NORGE
Oslo
Stockholm
Helsinki
Helsingfors
Tallinn
EESTI
Riga
LATVIJA
LIETUVA
Vilnius
Moskva
Minsk
BELARUS
UNITED
KINGDOM
IRELAND
ÉIRE
Dublin
Baile Átha Cliath
DANMARK
København
London
NEDERLAND
Amsterdam
Berlin
Warszawa
POLSKA
BELGIË
BELGIQUE
DEUTSCHLAND
LUXEMBOU
Paris
Praha
ČESKÁ
REPUBLIKA
SLOVENSKO
Wien
Bratislava
Budapest
Kyiv
UKRAINA
FRANCE
SCHWEIZ
SUISSE
SVIZZERA
OSTERREICH
MAGYARORSZÁG
MOLDOVA
Chisinău
SLOVENIJA
Ljubljana
Zagreb
HRVATSKA
ROMÂNIA
Bucureşti
BOSNA I
HERCEGOVINA
Beograd
Sarajevo
SRBIJA I
CRNA GORA
BÂLGARIJA
Sofija
PORTUGAL
Lisboa
Madrid
ESPAÑA
ANDORRA
MONACO
SAN MARINO
ITALIA
CITTÀ DEL
VATICANO
Roma
Skopje
PORANEŠNA
JUGOSLOVENSKA
REPUBLIKA
MAKEDONIJA
SHQIPËRIA
Tirana
Ankara
TÜRKI
ΕΛΛΑΔΑ-ELLADA
Αθήνα
Athinai
Rabat
Alger
Tunis
EL MAGHREB
EL DJAZAÏR
TOUNIS
Valletta
MALTA
ΚΥΠΡΟΣ
KYPROS
KIBRIS
Λευκωσία
Lefkosa
MADEIRA (P)
Paramaribo
SURINAM
6
?
?
?
2
4

Problem

- Which country is in the best position to undertake the investigation and prosecution of the whole case in order to avoid every country starting its own investigation and trial?
- Neither the Spanish nor the French legal system provides a possibility to prosecute all murders if they have been committed in foreign countries.
- The suspect refuses to answer the questions of foreign authorities.

Instruments

Article 7 a) ii) of the European Council Decision of 28 February 2002 allows EUROJUST as a College to recommend that one country is in the best position to prosecute.

Solution

- Coordination meeting in The Hague on 14 February with all the involved countries.
- Conclusion is that only Germany is in the position to prosecute all the cases concerning its legal system because the suspect is a German citizen.
- Therefore, the College of EUROJUST requested on 6 March that the involved countries should accept that the German judicial authorities are better placed to deal with all of the offences.

Drug Trafficking – Controlled Delivery

- In May 2006 NM for Sweden was informed:
  - Car loaded with Heroin
  - Ready to leave Southern Balkans
  - Final destination: Sweden

- Assistance needed from:

  Serbia, Montenegro, Croatia, Hungary, Austria, Germany, Denmark, Slovenia, Czech Rep. & Slovak Rep.

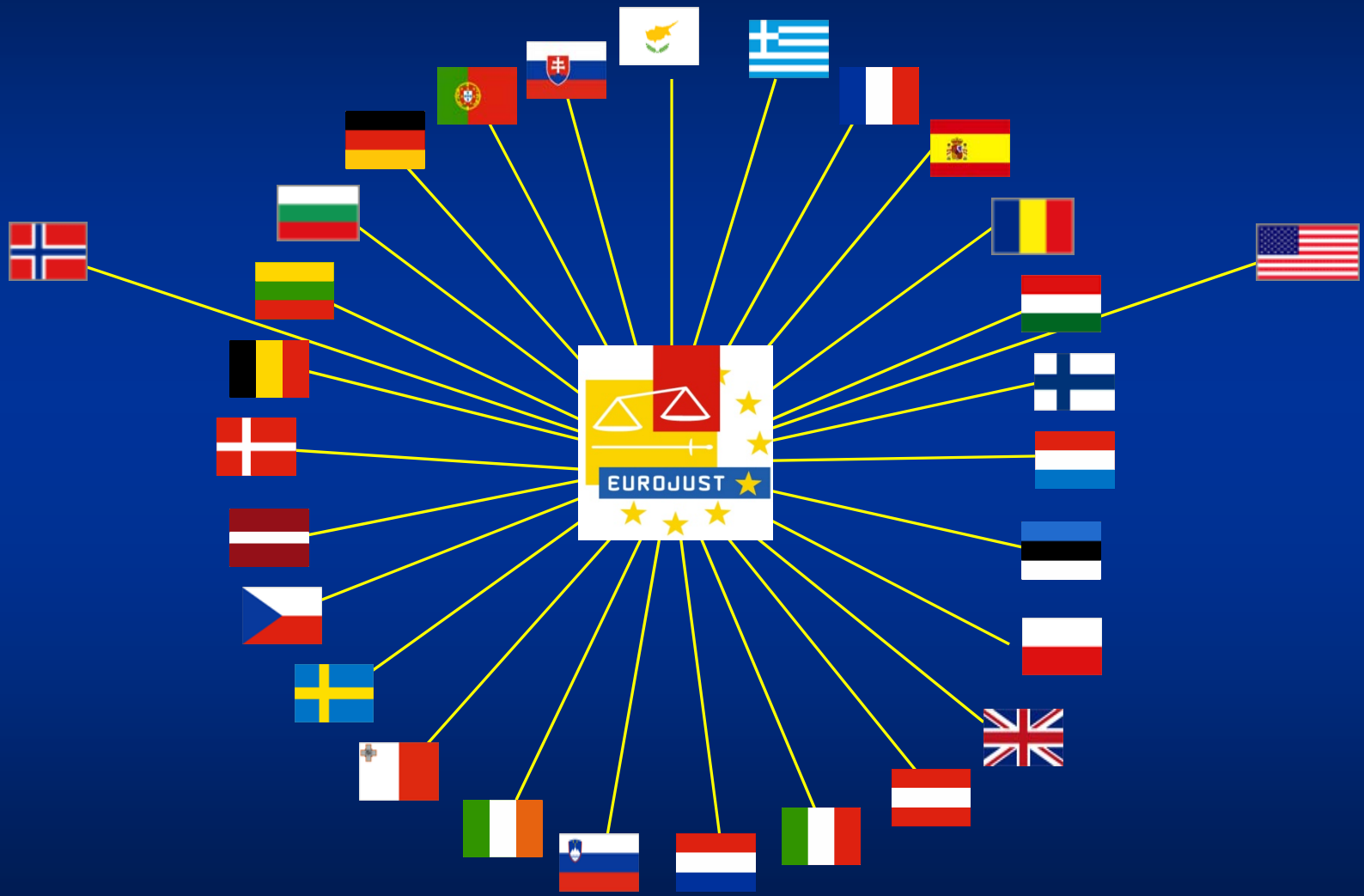
- Europol's involvement (via Eurojust):
  - Coordination of police & customs cooperation

- Urgent level 2 meeting in Eurojust
  - MLAs issued
  - Permission granted (within 2 hours)

RESULTS:

- Car was stopped
- 6 people were arrested
- 12 kilos of Heroin were seized
- Perpetrators prosecuted in Sweden

Eurojust : Building More Effective Judicial Co-operation & Co-ordination



Thank you
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your attention